

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 20, 2009**

DIVISION ONE

[illegible]

The judgment is affirmed.

Rothschild, Acting P.J.

We concur: Chaney, J.  
Johnson, J.

[illegible]

The judgment is modified by reducing the sentence on each enhancement under section 12022, subdivision (b)(1), from two years to one year. The cause is remanded to the trial court with directions to prepare a new abstract of judgment incorporating the modifications and to forward a certified copy of the new abstract to the California Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Rothschild, J.

We concur:   Mallano, P.J.  
                      Johnson, J.

August 20, 2009 (Continued)

## DIVISION ONE (continued)

B213232      People  
                v.  
                Myron

(Not for Publication)

The appeal is dismissed; the writ petition is denied.

Mallano, P.J.

We concur:   Rothschild, J.  
                      Chaney, J.

B212571 People (Not for Publication)  
v.  
Moore

The judgment is affirmed.

Mallano, P.J.

We concur:    Rothschild, J.  
                         Chaney, J.

B206963 People (Not for Publication)  
v.  
Perez

The judgment is affirmed.

Mallano, P.J.

We concur:    Rothschild, J.  
                         Johnson, J.

## DIVISION ONE (continued)

B211897 People (Not for Publication)  
v.  
Damico

The trial court is ordered to modify the judgment to reflect a restitution fine of \$200 under Penal Code section 1202.4, subdivision (b), and a parole revocation fine of \$200 under Penal Code section 1202.45, to strike the penalty assessment imposed under Government Code section 76104.7, and to forward a copy of the modified judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Mallano, P.J.

We concur:    Chaney, J.  
                         Johnson, J.

B212359 People (Not for Publication)  
v.  
McClure

The judgment is affirmed.

Mallano, P.J.

We concur:   Rothschild, J.  
                      Johnson, J.

[illegible]

The judgment is affirmed.

Mallano, P.J.

We concur:   Rothschild, J.  
                    Miller, J. (Assigned)

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter,  
Deputy Clerk.

Each of the following:

B209227 People v. Naya  
B204763 People v. Clarke  
B208171 People v. Pacheco  
B207293 People v. Pollock  
B208211 People v. Thymes  
B213237 People v. M.G.  
B213690 People v. Sizemore  
B210728 People v. Steffen  
B208424 People v. Abarca  
B212822 People v. Serrano  
B212679 In re B.O.  
B208782 Hearn v. Howard  
B212496 DCFS v. O.M.  
B214742 DCFS v. L.I.  
B210662 People v. Denmark and McCoy

Argument waived, cause submitted.

B212537     People  
                  v.  
                  Martinez

Merits:

Argued by Felix Avila for appellant and no appearance for respondent.  
Cause submitted.

DIVISION TWO(continued)

B209331     Mary Heiss  
              v.  
              City of Baldwin Park

Merits:  
Argued by Jeffrey I. Ehrlich for appellant and by Kenton E. Moore for respondent. Cause submitted.

B206899     Save Laguna Creek, et al.  
              v.  
              City of Pasadena et al.  
              Stevens A. Jennings, RPI

Merits:  
Argued by Craig A. Sherman for appellants by Frank L. Rhemrev, Deputy City Attorney for respondents and by Philip D. Kohn for real party in interest. Cause submitted.

B211815     Craig Jensen et al.  
              v.  
              Franchise Tax Board

Merits:  
Argued by Kendrick L. Moxon for appellants and by Anthony Sgherzi, Deputy Attorney General for respondent. Cause submitted.

B213982     Larry, Gurney, Jr.  
              v.  
              Spartan Funding Group et al.

Merits:  
Argued by Howard M. Jaffe for appellant and by Tracey Hom for respondents. Cause submitted.

DIVISION TWO (continued)

B207217      Micromark International Inc.  
                 v.  
                 B. Five Corp. et al.

Merits:  
Argued by Brandon C. Murphy for appellant and by Joseph D. Curd for respondents. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter, Deputy Clerk.

B206853      People  
                 v.  
                 Moran

Merits:  
Argued by Marilee Marshall for appellant and by David A. Voet, Deputy Attorney General for respondent. Cause submitted.

B207064      People  
                 v.  
                 Sotomayor

Merits:  
Argued by Maxine Weksler for appellant and by Catherine O. Kohm, Deputy Attorney General for respondent. Cause submitted.

B213575      Los Angeles County, D.C.F.S.  
                 v.  
                 R.S., Sr.

Merits:  
Argued by Michael S. Salazar for appellant and by Timothy M. O'Crowley, Deputy County Counsel for respondent. Cause submitted.

August 20, 2009 (Continued)

## DIVISION TWO (continued)

B210084      Darrell Kruse et al.  
v.  
City of Claremont

Merits:

Argued by Burton M. Senkfor for appellants and by Marc Ehrlich for respondent. Cause submitted.

Court adjourned

DIVISION FOUR

B210347      The Bd. of Trustees of Calif. State University      (Not for Publication)  
v.  
California Faculty Association

The judgment is affirmed. Respondent(s) to recover costs.

Manella, J.

We concur: Willhite, Acting P.J.  
Suzukawa, J.

B208028      Houck      (Not for Publication)  
v.  
Calabasas Motorcars, Inc. et al.

The judgment is affirmed. Respondent(s) to recover costs.

Manella, J.

We concur: Epstein, P.J.  
Suzukawa, J.

August 20, 2009 (Continued)

## DIVISION FOUR (continued)

[illegible]

The order of wardship is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.  
Manella, J.

B207275      Senoussi      (Not for Publication)  
v.  
Kona Coast Properties, LLC., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Manella, J.

We concur: Epstein, P.J.  
Willhite, J.

[illegible]

The judgment is modified to reflect 366 days of presentence custody credit. In all other respects the judgment is affirmed. The case is remanded to the trial court to correct the abstract of judgment to indicate 366 days of presentence custody credits and to forward an amended abstract of judgment to the Department of Corrections and Rehabilitation.

Manella, J.

We concur: Willhite, Acting P.J.  
Suzukawa, J.



## August 20, 2009 (Continued)

## DIVISION SIX

B214579 People (Not for Publication)  
v.  
Placencia

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

B213255 People (Not for Publication)  
v.  
Lester Luchien

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

B211136 Sharon Bradley (Not for Publication)  
v.  
Christine Anne Bradley

The orders imposing a surcharge of \$82,506.62, removing appellant as trustee, and appointing a successor trustee are affirmed. Respondent's request for sanctions on appeal is denied.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

DIVISION SIX (continued)

B211929      Spartan Funding Group      (Not for Publication)  
                 v.  
                 Gurney

The judgment is affirmed. Costs are awarded to respondents.

Coffee, J.

We concur:   Gilbert, P.J.  
                 Yegan, J.

B212083      Keller et al.,                      (Not for Publication)  
                 v.  
                 Argonaut Ins. Co.

The judgment is affirmed. Respondent shall recover costs.

Perren, J.

We concur:   Gilbert, P.J.  
                 Coffee, J.

DIVISION EIGHT

B209094      People                              (Not for Publication)  
                 v.  
                 Rosendo Avila

The judgment is reversed insofar as it requires that appellant pay \$8,962.18 attorney fees under Penal code section 987.8. In all other respects the judgment is affirmed. The matter is remanded to allow for further proceedings in accordance with that section.

Bauer, J. (Assigned)

I concur:      Rubin, Acting P.J.  
I dissent:      Bigelow, J. (Opinion)